

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

**KENNETH D. BELL, in his capacity as court-
appointed Receiver for Rex Venture Group, LLC
d/b/a ZeekRewards.com,**

Plaintiff,

vs.

**TODD DISNER, in his individual capacity and in his
capacity as trustee for Kestrel Spendthrift Trust;
TRUDY GILMOND; TRUDY GILMOND, LLC;
JERRY NAPIER; DARREN MILLER; RHONDA
GATES; DAVID SORRELLS; INNOVATION
MARKETING, LLC; AARON ANDREWS; SHARA
ANDREWS; GLOBAL INTERNET FORMULA,
INC.; T. LEMONT SILVER; KAREN SILVER;
MICHAEL VAN LEEUWEN; DURANT
BROCKETT; DAVID KETTNER; MARY
KETTNER; P.A.W.S. CAPITAL MANAGEMENT
LLC; LORI JEAN WEBER; and a Defendant Class
of Net Winners in ZEEKREWARDS.COM;**

Defendants.

No. 3:14-cv-91

**ORDER GRANTING MOTION TO ENTER FINAL JUDGMENTS
AGAINST CERTAIN NET WINNER CLASS MEMBERS**

This matter is before the Court on the Receiver’s Motion to Enter Final Judgments Against Net Winner Class Members. [Doc. 166]. Previously, this Court entered an ORDER granting Summary Judgment against the remaining named Defendants against whom Judgment had not already been entered and Partial Summary Judgment against the Net Winner Class (“Summary Judgment Order”). [Doc. 142]. The Court determined in that Order that the net winnings received

by class members from ZeekRewards were fraudulent transfers that must be repaid to the Receiver and are subject to a constructive trust for the benefit of the Receivership Estate.

To fairly and efficiently determine the amount of the Judgment (ZeekRewards net winnings plus pre-judgment interest) to be paid by each of the members of the class, the Court entered an Order on Process for Determining the Amount of Final Judgments Against Net Winner Class Members (the “Process Order”) [Doc. 153]. Pursuant to that Order (which was entered without an objection from Counsel for the Net Winner Class and elicited no objection in the 30 day objection period following its entry provided by the Court), the Receiver calculated each net winner’s net winnings based on the Court’s instructions, gave each class member individual notice of the amount of his or her “net winnings” according to RVG’s records, provided an opportunity to respond to that amount with evidence of a different amount and made available a fair and expedient process to resolve any cases in which the Receiver and Net Winner cannot agree on the amount of the Judgment.

In the motion before the Court the Receiver requests that Judgments be entered against the persons listed in Exhibit 1 to the motion in the amounts listed.¹ The amount of net winnings and prejudgment interest calculated for each of these net winners has been calculated by the Receiver (through his expert witness) in the same manner as the Judgments entered against the named Net Winners in this action. *See* Process Order, at p. 2; [Doc. 134-47, p.43]; [Doc. 148-151]. Also, according to the affidavit filed by the Receiver in support of the motion, each of these members of the Net Winner Class have agreed with the amount of their net winnings through the Court ordered

¹ Since the filing of the motion, a number of class members have agreed to settlements of the Receiver’s claims, filed bankruptcy or for other reasons been removed from the list of net winners against whom the Receiver is currently seeking Judgment. The final list of specific Judgments being entered is attached as an exhibit to the Final Judgments entered by the Court.

process for determining the amount of individual net winnings, the Receiver has accepted their proposed alternate amount of net winnings or have failed to timely respond to the Receiver's notice of the amount their net winnings. Therefore, pursuant to the Process Order and the record in this action, the Receiver is entitled to Final Judgments against the members of the Net Winner Class as sought by the Receiver's motion. *See*, Process Order at p.4.

Further, the Court orders the Receiver to give notice of the entry of Final Judgment to the members of the Net Winner Class against whom judgment has been entered by email (at the email address listed for their ZeekRewards account) and mail to their last known physical address in the form attached as Exhibit 1 to this Order. As set forth in that Notice, the Receiver is authorized to enter into settlement agreements to satisfy the Judgments subject to the approval of this Court in advance of or in conjunction with his efforts to collect on or sell the Judgments to a third party judgment purchaser.

The Clerk is hereby directed to enter Final Judgment as set forth in Exhibit 2 together with the attachments to that exhibit.

Signed: August 14, 2017

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

